



Chesterfield County, Virginia

Memorandum

DATE: JUNE 20, 2006

TO: CHESTERFIELD COUNTY PLANNING COMMISSION

FROM: KIRKLAND A. TURNER, DIRECTOR OF PLANNING *KAT*

SUBJECT: ORDINANCE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES NEAR SCHOOLS

PROPOSED AMENDMENT:

Staff is presenting a proposed Zoning Ordinance amendment pertaining to the sale of alcoholic beverages near schools. The proposed amendment would expand and clarify existing restrictions on sales of alcoholic beverages near certain schools.

RECOMMENDATION:

Discuss the proposed Zoning Ordinance amendment. Staff recommends that the attached amendment be scheduled for public hearing at the July 18, 2006 Planning Commission meeting.

BACKGROUND:

At the May 16th Planning Commission meeting, staff was directed to bring this item for discussion at the June work session.

The existing ordinance, adopted in 1993, required approval of a conditional use permit for commercial establishments to sell alcoholic beverages for on-premises consumption within 500 feet of a school. This ordinance "grandfathered" alcoholic beverage sales for commercial establishments near schools that existed at the time the ordinance was adopted. The ordinance was amended in 2004, to reflect school name changes.

Further refinement of the ordinance is necessary at this time to address three specific issues:

- 1) Commercial establishments that do not directly sell alcoholic beverages near a school, but subcontract with other businesses, such as caterers, to offer this service;
- 2) Enforcement of "on-premises consumption" within 500 feet of certain schools in situations when a commercial establishment may operate on several different properties; and

- 3) Current business license procedures that no longer requiring planning review and approval of business licenses.

The proposed ordinance clarifies and addresses these issues, as follows:

Direct sales: the proposed ordinance would expand the existing restrictions on alcoholic beverage sales near certain schools, to include “*allowing the sale or service of alcoholic beverages.*” This new provision would restrict businesses that do not directly sell alcoholic beverages, but contract with other businesses to provide this service.

On-premises consumption: the proposed ordinance would eliminate the term “on-premises consumption.” As a result, the ordinance restriction would focus on the act of selling or allowing the sale of alcoholic beverages. This change would help avoid confusion in situations where a business operation may extend across several properties.

Business license applications: the proposed ordinance would reflect that the Planning Department no longer reviews business license applications. The Planning Department ceased formally reviewing business licenses applications several years ago in an effort to reduce the processing time for new businesses to work through the county system. Business license applicants are advised, but not required, to verify zoning restrictions when they apply for a business license. This change has resulted in significant customer service improvements to the business community. The proposed ordinance would reflect this changed business practice, and encourage consultation with the planning department to determine whether a conditional use permit would be required for the proposed business.

Proposed Ordinance: The proposed ordinance amendment (attached) would affect Section 19-227. The ordinance provisions would continue to apply only to properties within 500 feet of schools built after December 15, 1993. These schools include:

- Carver Middle
- Cosby High
- James River High
- Marguerite Christian Elementary
- Matoaca High
- Spring Run Elementary

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-227 RELATING TO THE
SALE, OR SERVICE FOR COMPENSATION, OF
ALCOHOLIC BEVERAGES NEAR SCHOOLS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Section 19-227 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

Sec. 19-227. Sale of alcoholic beverages near schools.

(a) Notwithstanding any provisions in this chapter to the contrary, a conditional use permit shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in Code of Virginia, § 4.1-100, or allowing the sale or service of alcoholic beverages for compensation, for on-premises consumption, within 500 linear feet of a school that is owned or operated by the county and that is built after December 15, 1993.¹

¹ This section does not apply to the following schools: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, Chalkley Elementary, Chester Middle, Chesterfield Community High, Chesterfield Technical, Clover Hill Elementary, Clover Hill High, Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, Fulgham Center, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, J.G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, Manchester High, Manchester Middle, Matoaca Elementary, Old Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle, Midlothian High, Monacan High, Perrymont Middle, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.

(b) ~~As part of the regular review of all business license applications, the director of planning shall determine whether a commercial establishment intends to sell alcoholic beverages for on-premises consumption and whether it is located within 500 linear feet of a school built after December 15, 1993 that is owned or operated by the county. If the director of planning cannot determine whether the commercial establishment is located more than 500 linear feet from such school, the director of planning shall require, and the commercial establishment shall provide, a certification from a registered surveyor confirming the distance from the commercial establishment to the school. If the commercial establishment fails to provide the surveyor's certification, it shall be presumed that the establishment is within 500 linear feet of the school.~~

All applicants for a business license should consult with the director of planning to determine whether a conditional use permit is required per this section.

(2) *That this ordinance shall become effective immediately upon adoption.*